

REMARKS

Claim Status

Claims 1, 3, 6-10, and 19-33 are pending in the application. This paper does not amend, cancel, or add new claims. Claims 1, 19, 28, 29, and 33 are the independent claims of the application.

Art Rejections

Claims 1 and 28

The Office Action rejected independent claims 1 and 28 under 35 U.S.C. § 102(e) as being anticipated by Strobel *et al.*, U.S. Patent Number 6,720,493 ("Strobel" hereinafter). In particular, the Office Action asserted that:

Though Strobel *et al.* fails to explicitly disclose that the radiation shielding lid and the x-ray shielding tub are positioned to shield the die from x-rays from every angle, whereby the die is shielded from receiving from all directions an amount of radiation greater than a total dose tolerance of the die, Strobel *et al.* discloses the same structure, therefore Strobel *et al.* inherently discloses the recited property.

Applicants note that the structure of Strobel need not comprehend the property of shielding the die from x-rays from every angle. Indeed, we respectfully refer to the illustration on page 19 of the Appeal Brief submitted in this case on or about July 11, 2007; shown in that illustration is Strobel's Figure 7B with an arrow AA drawn from outside of the package to the die. Therefore, the property of shielding from every angle is not inherent in Strobel.

For this reason, Applicants respectfully submit that Strobel does not anticipate independent claims 1 and 28.

Claim 3

Claim 3 stands rejected as being unpatentable over Strobel. This claim depends from claim 1 and recites the following additional limitations: *wherein the x-ray shielding tub has a first thickness, the radiation shielding lid has a second thickness, the second thickness being greater than the first thickness so that the radiation shielding lid provides greater shielding of ionizing radiation than the x-ray shielding tub.* The Office Action acknowledged that Strobel fails to teach these limitations, but then asserted that adding the limitations would have been obvious in order to be able to use the device in an environment that has more radiation directed toward the chip from the top portion of the device. We take issue with the last statement.

First, a device with the same thickness of the lid and the tub would still be operational in the environment that has more radiation directed toward the chip from the top portion of the device, as long as the thickness of the lid is sufficient. Even a device with the reversed relationship of thicknesses would be operational in such environment, provided the lid thickness is sufficient.

Second, the Office Action fails to give an example of such an environment: that is, an environment where more radiation is predictably directed to the chip from a particular direction. As regards ionizing radiation in space, it is generally believed to be isotropic. See the instant application, paragraph [0005]. As regards x-ray radiation due to nuclear detonation, its direction is likely to be random. *Id.* par. [0006]. Even if an environment that has more radiation from a direction known *a priori* could be identified, the direction relative to the integrated circuit would have to remain stable over the life of the circuit. A person skilled in the art would have to consider these problems before being motivated to use differentiated thicknesses.

At least for these reasons, Applicants respectfully submit that dependent claim 3 is separately patentable over Strobel.

Claims 19, 28, 29, and 33

Each of these independent claims stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Strobel and Czjakowski *et al.*, U.S. Patent Number 6,262,362 ("Czjakowski"). Both now and at the time the present invention was made, the present invention was either assigned to or under an obligation of assignment to the assignee of Czjakowski. This is evidenced by the following assignment documents recorded in the Patent and Trademark Office:

1. Document executed on June 1, 2000, and recorded at reel/frame 011213/0147;
 2. Document executed on October 7, 2002, and recorded at reel/frame 013456/0201
(note that this document applies to both the instant application and Czjakowski);
 3. Document executed on November 25, 2002, and recorded at reel/frame 013587/0312;
- and
4. Document executed on December 2, 2002, and recorded at reel/frame 013587/0312.

Since the claimed invention and the subject matter of Czjakowski were commonly-owned at the time the present invention was made, Czjakowski should not be used as prior art under section 103. See 35 U.S.C. § 103(c) and MPEP §2146.

At least for this reason, Applicants respectfully submit that Strobel and Czjakowski do not preclude patentability of independent claims 19, 28, 29, and 33 under 35 U.S.C. § 103(a).

Remaining Dependent Claims

The above discussion addresses rejections of all independent claims and of one dependent claim. As regards dependent claims not specifically discussed, these claims are patentable together with their base claims and intervening claims, if any.

CONCLUSION

For the foregoing reasons, Applicants submit that all pending claims are allowable. To discuss any matter pertaining to the instant application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a notice to this effect is earnestly solicited.

Respectfully submitted,

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